

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION OFFICE

P#49540

TO: Honorable Loretta A. Preska
U.S. District Court Judge

FROM: Timothy S. Murphy
Supervising U.S. Probation Officer

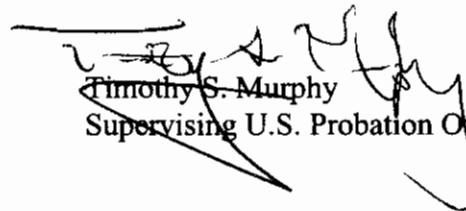
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JAN 29 2008

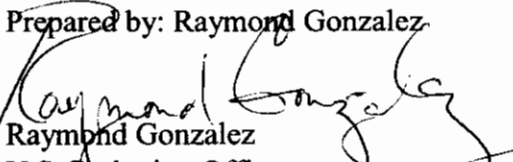
LORETTA A. PRESKA
U.S. DISTRICT JUDGE
S.D. N.Y.
RE: Jesus Silva-Chuz
Docket No: 07 CR 577(LAP)

Enclosed is a matter from the U.S. Probation Office requesting consideration and/or review by Your Honor. Please direct your response (if applicable) along with any attachment to our office at 233 Broadway, 14th floor, so that we may take appropriate action.

Respectfully submitted,


Timothy S. Murphy
Supervising U.S. Probation Officer

Prepared by: Raymond Gonzalez


Raymond Gonzalez
U.S. Probation Officer
212-805-5124

DATE: January 28, 2008



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION OFFICE**

Report on Offender Under Supervision

Offender: Jesus Silva-Cruz Docket Number: 07 CR 577-01 (LAP)
Sentencing Judicial Officer: Honorable Loretta A. Preska, U.S. District Court Judge
Date of Original Sentence: May 26, 2004 (D/Neb)
Original Offense: Possession with Intent to Distribute Cocaine 21 USC 841(a)(1). Class B Felony.
Original Sentence: Twenty and one-half (21.5) months custody, and three (3) years of supervision.
Type of Supervision: Supervised Release Date Supervision Commenced: February 6, 2006

NON-COMPLIANCE STATUS UPDATE

As the Court was previously made aware, on August 23, 2007, Silva-Cruz was brought before the Court to address non-compliance regarding the use of cocaine, and his failure to comply with drug testing and out-patient treatment.

Without accepting a plea to the violation, the Court ordered that Silva-Cruz enter a long term residential program, for the minimum of one (1) year, and adjourned proceedings until February 5, 2008, at which time his progress would be assessed.

Due to the very limited amount of long-term inpatient drug treatment programs that provide services to the Spanish speaking population, the defendant's inability to speak English, and the lack of resources in the New York City area, an inpatient placement was not able to be located easily. The USPO maintained close supervision of Silva-Cruz while a program was sought.

Eventually, with the assistance of the District of New Jersey, we were able to locate a program to meet Silva-Cruz's specific needs, and he entered CURA Inc., a residential drug treatment, located in Newark, New Jersey, on November 5, 2007.

SUMMARY OF COMPLIANCE WITH SUPERVISION CONDITIONS

Since placement in the CURA facility, Silva-Cruz has been compliant with the program's rules and regulations, and appears to be meeting the goals of his recovery program in its early stages. The USPO has been in correspondence with Silva-Cruz's counselor, Edwin Cruz, and he has reported that he continues to adjust well to the treatment setting.

RECOMMENDATION AND JUSTIFICATION

At this time, we respectfully request that the status conference scheduled for February 5, 2008 be adjourned until a date in May 2008 to allow the USPO more opportunity to assess Silva-Cruz's adjustment to residential treatment. To date, the treatment plan appears to be fulfilling the Court's directive, and there has been no new issues of non-compliance. The USPO is receiving monthly status reports from the treatment program, and should a situation develop, the USPO is available to perform an on-site visit to the facility.

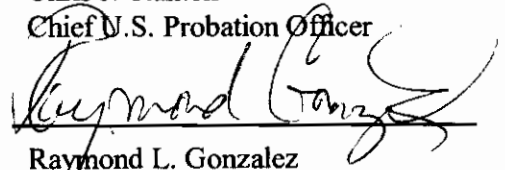
Clearly, should any new non-compliance issues arise before that date, the Court will be notified for immediate action.

Should there be any questions regarding this request, the USPO may be contacted at 212 805-5124. If the Court grants this request, the USPO will advise the Assistant U.S. Attorney and Defense Attorney assigned to the case.

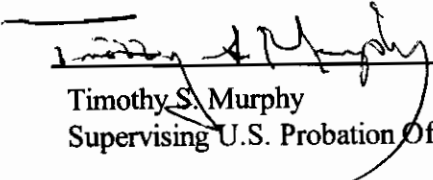
Respectfully submitted,

Chris J. Stanton
Chief U.S. Probation Officer

by


Raymond L. Gonzalez
U.S. Probation Officer
(212) 805-5124

Approved By:


Timothy S. Murphy
Supervising U.S. Probation Officer

Date

(212) 805-0035

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION OFFICE**

Judicial Response



Court approves U.S. Probation Officer's recommendation and schedules the next Court date for

Date: 5/7/08

Time: 9:00 AM

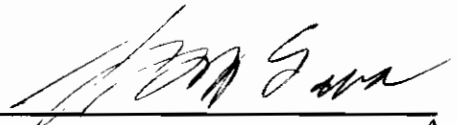
Place: U.S. Court House 200 Pearl St.

or

The Court Orders::

[] Appearance by all parties on February 5, 2008 at 9am.

[] Other _____


Signature of Judicial Officer *Part I*

1/31/08
Date